



EASTERN SHAWNEE TRIBE OF OKLAHOMA

**12755 S. 705 Road, Wyandotte, OK 74370
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Streamlining Deployment of Small Cell)	WT Docket No. 16-421
Infrastructure by Improving Wireless)	
Facilities Siting Policies;)	
Mobilitie, LLC Petition for)	
Declaratory Ruling)	

COMMENTS OF THE EASTERN SHAWNEE TRIBE OF OKLAHOMA

Robin Dushane
Tribal Historic Preservation Officer
Eastern Shawnee Tribe
12755 S. 705 Road
Wyandotte, OK 74370
918 666 2435 ext. 1845

April 7, 2017

The Eastern Shawnee Tribe is currently located in far northeastern Oklahoma. Historically Shawnees occupied a wide range of lands which includes many present-day states east of the Mississippi River. The United States government placed our group of Shawnees on the Lewistown Reserve in western Ohio per the Treaty of 1817 and later placed us on a reservation in Indian Territory per the Treaty of 1831.

The Eastern Shawnee Tribe works with a variety of federal agencies on small and large projects in the compliance of federal laws, including but not limited to the National Historic Preservation Act (NHPA), the Native American Graves Protection and Repatriation Act (NAGPRA). Our tribe protects irreplaceable sites and locations that are of religious and cultural significance to our people today by continuing the successful collaborative processes that have been established with federal agencies, other Indian tribes, and project developers.

The Federal Communications Commission's Tower Construction Notification System (TCNS) system has proven to be a very useful tool to track, monitor, and expedite the placement of cellular technology infrastructure. Over the past several years, we have worked with and developed quality relationships with the many consultants installing telecommunication infrastructure facilities, including cell tower siting, through the TCNS Program. Our tribe employs a team of individuals which provides prompt responses to cell tower notifications. If and when any situations arise using the TCNS Program, tribes have been able to promptly contact industry consultants and/or FCC staff to expedite resolutions. With the emerging 5G technology by the wireless telecommunications industry we can see the benefits of modernizing the existing TCNS system to meet our needs. Though technically not a local government for the purposes of this rulemaking, Indian Nations face many of the same challenges that have described in the Public Notice and which the telecommunications industry has mentioned as a concern to their interests.

The Eastern Shawnee Tribe is amenable to adapting our Cell Tower Review Program to address technological advances of the industry. We stand ready to engage in consultation regarding assisting industry to efficiently deploy new wireless technologies.

It is our understanding that our office has 30 days to process a proposed project beginning on the date the consultant provides us with all required and requested information. This 30 day period is reasonable.

We are in agreement with having a shot clock and the enforcement of this period as our office supplies replies within the 30 day period. It is not our intention to hold up Mobilitie's projects by offering untimely responses.

An activity to address Mobilitie's petition for declaratory ruling to streamline deployment for the clearance of small cells would be to exclude small cells placed on existing structures from tribal historic review under NHPA.

Regarding small cells that are placed on new poles, our office recommends these be continued to be historically reviewed under NHPA. When ground is disturbed the possibility of inadvertently effecting resources, even within right of way, remains.

This office would not be opposed to batching small cells on newly constructed poles. Restricting the size of batches to a maximum of 20 new poles within a 1 mile radius within a single county is amenable. The fee for reviewing batched new poles with this area would be the same as a single macrocell project.

Reviewing TCNS projects within our office involves multiple staff members. Our review fees are based on research performed and administrative costs. Due to the volume of projects we review we require our fee be paid up front which results in efficiently managing our work load.

Concerning having individual agreements with a carrier or 3rd party consultant, we are amenable to having such agreements. Each tribe has their own unique history of aboriginal occupation which comes into play regarding tribal historic review under NHPA. If having agreements with carriers or 3rd party consultants would assist in streamlining deployment we stand ready to participate in such agreements.

A handwritten signature in dark ink, reading "Robin Gushane". The signature is written in a cursive style with a horizontal line underneath the name.

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